

1 BILL LOCKYER, Attorney General  
of the State of California  
2 JOSEPH N. ZIMRING, State Bar No. 185916  
Deputy Attorney General  
3 California Department of Justice  
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4 Los Angeles, CA 90013  
Telephone: (213) 897-2559  
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

7  
8 **BEFORE THE**  
9 **BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2690

13 ROLA HOLWAHJIAN  
14 801 E. Amherst  
Burbank, CA 91504

OAH No. L-2004020269

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

15 Pharmacy Technician Registration No. TCH  
16 26386

Respondent.

17 In the interest of a prompt and speedy resolution of this matter, consistent with  
18 the public interest and the responsibility of the Board of Pharmacy of the California Department  
19 of Consumer Affairs the parties hereby agree to the following Stipulated Surrender of License  
20 and Order which will be submitted to the Board for approval and adoption as the final  
21 disposition of the Accusation.

22 **PARTIES**

23 1. Patricia F. Harris (Complainant) is the Executive Officer of the Board of  
24 Pharmacy. She brought this action solely in her official capacity and is represented in this matter  
25 by Bill Lockyer, Attorney General of the State of California, by Joseph N. Zimring, Deputy  
26 Attorney General.

27 2. Rola Holwahjian (Respondent) is represented in this proceeding by  
28 attorney James E. Blatt, whose address is 16000 Ventura Blvd., Suite 1208, Encino, CA 914363.

1                   4.     On or about July 15, 1998, the Board issued Pharmacy Technician  
2 Registration No. TCH 26386 to Respondent. The registration is scheduled to expire on  
3 December 31, 2005, and has not been renewed.

4                                   JURISDICTION

5                   5.     The Accusation in Case No. 2690 was filed before the Board on January  
6 12, 2004, and is currently pending against Respondent. The Accusation and all other statutorily  
7 required documents were properly served on Respondent on January 21, 2004. Respondent  
8 timely filed her Notice of Defense contesting the Accusation. The Accusation is incorporated by  
9 reference.

10                                   ADVISEMENT AND WAIVERS

11                   6.     Respondent has carefully read, fully discussed with counsel, and  
12 understands the charges and allegations in the Accusation. Respondent also has carefully read,  
13 fully discussed with counsel, and understands the effects of this Stipulated Surrender of License  
14 and Order.

15                   7.     Respondent is fully aware of her legal rights in this matter, including the  
16 right to a hearing on the charges and allegations in the Accusation; the right to be represented by  
17 counsel, at her own expense; the right to confront and cross-examine the witnesses against her;  
18 the right to present evidence and to testify on her own behalf; the right to the issuance of  
19 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
20 reconsideration and court review of an adverse decision; and all other rights accorded by the  
21 California Administrative Procedure Act and other applicable laws.

22                   8.     Respondent voluntarily, knowingly, and intelligently waives and gives up  
23 each and every right set forth above.

24                                   CULPABILITY

25                   9.     Respondent admits the truth of each and every charge and allegation in the  
26 Accusation, agrees that cause exists for discipline and hereby surrenders her pharmacy  
27 technician registration for the Board's formal acceptance.

28     \\ \\ \\

10. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her pharmacy technician registration without further process.

## CONTINGENCY

11. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

**ORDER**

IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 26386, issued to Respondent Rola Holwahjian is surrendered and accepted by the Board of Pharmacy.

1. The surrender of Respondent's Pharmacy Technician License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a pharmacy technician in California as of the effective date of the Board's Decision and Order.

3. Respondent shall relinquish her pocket technician registration to the Board within 10 days of the effective date of this decision. Respondent may not submit an application to the Board for three years from the effective date of this decision.

4. A condition of issuance of a new registration shall be that the Respondent is certified by the Pharmacy Technician Certification Board (PTCB) and provides satisfactory proof of certification to the Board.

5. Respondent understands and agrees that if she ever applies for licensure or petitions for reinstatement, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in the Accusation shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

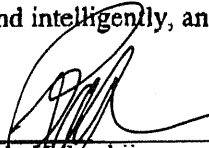
6. Respondent shall reimburse the Board for its costs of investigation and prosecution in the amount of \$2,100 prior to issuance of any new license.

\* \* \*

1 ACCEPTANCE

2 I have carefully read the above Stipulated Surrender of License and Order and  
3 have fully discussed it with my attorney, James E. Blatt. I understand the stipulation and the  
4 effect it will have on my pharmacy technician registration. I enter into this Stipulated Surrender  
5 of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
6 Decision and Order of the Board of Pharmacy.

7 DATED: 10-6-09

  
Rola Holwahjian  
Respondent

9  
10 I have read and fully discussed with Respondent Rola Holwahjian the terms and  
11 conditions and other matters contained in this Stipulated Surrender of License and Order. I  
12 approve its form and content.

13 DATED: 10-6-09

  
JAMES BLATT  
Attorney for Respondent

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16 ENDORSEMENT

17 The foregoing Stipulated Surrender of License and Order is hereby respectfully  
18 submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

19  
20 DATED: \_\_\_\_\_

21  
22 BILL LOCKYER, Attorney General  
23 of the State of California

24  
25 JOSEPH N. ZIMRING  
26 Deputy Attorney General  
27 Attorneys for Complainant

28 DOJ Matter ID: LA2003600634  
60062353.wpd

1 ACCEPTANCE

2 I have carefully read the above Stipulated Surrender of License and Order and  
3 have fully discussed it with my attorney, James E. Blatt. I understand the stipulation and the  
4 effect it will have on my pharmacy technician registration. I enter into this Stipulated Surrender  
5 of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
6 Decision and Order of the Board of Pharmacy.

7 DATED: \_\_\_\_\_.

8 Rola Holwahjian  
Respondent

9  
10 I have read and fully discussed with Respondent Rola Holwahjian the terms and  
11 conditions and other matters contained in this Stipulated Surrender of License and Order. I  
12 approve its form and content.

13 DATED: \_\_\_\_\_.

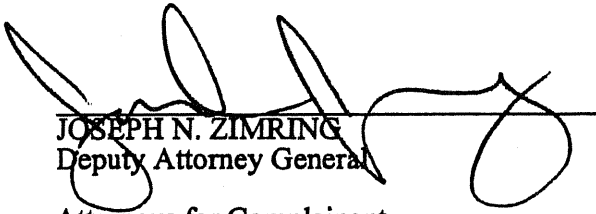
14 JAMES BLATT  
Attorney for Respondent

15  
16 ENDORSEMENT

17 The foregoing Stipulated Surrender of License and Order is hereby respectfully  
18 submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

19  
20 DATED: 10/7/2004.

21  
22 BILL LOCKYER, Attorney General  
of the State of California

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24   
25 JOSEPH N. ZIMRING  
26 Deputy Attorney General  
27 Attorneys for Complainant

28 DOJ Matter ID: LA2003600634  
60062353.wpd

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**BEFORE THE  
BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 2690

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**Rola Holwahjian**  
801 E Amherst  
Burbank, CA

OAH No. L-2004020269

Pharmacy Technician Registration No. TCH  
26386

Respondent.

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**DECISION AND ORDER**

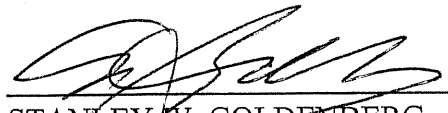
The attached Stipulated Surrender of License and Order is hereby adopted by the Board  
of Pharmacy of the Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on January 5, 2005.

It is so ORDERED on December 6, 2004.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

  
STANLEY W. GOLDENBERG  
Board President

1 BILL LOCKYER, Attorney General  
of the State of California  
2 JOSEPH N. ZIMRING, State Bar No. 185916  
Deputy Attorney General  
3 California Department of Justice  
300 So. Spring Street, Suite 1702  
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8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 03 2690

12 ROLA C. HOLWAHJIAN  
13 801 E Amherst  
Burbank, CA 91504

**A C C U S A T I O N**

14 Pharmacy Technician Registration No.  
15 TCH 26386

Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Patricia F. Harris (Complainant) brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Pharmacy (Board), California  
22 Department of Consumer Affairs.

23 2. On or about July 15, 1998, the Board issued Pharmacy Technician  
24 Registration Number TCH 26386 to Rola C. Holwahjian (Respondent). The registration  
25 was in full force and effect at all times relevant to the charges brought herein and will  
26 expire on December 31, 2003, unless renewed.

27 ///

28 ///



## JURISDICTION

3. This Accusation is brought before Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 4300 permits the Board to take disciplinary action to suspend or revoke a license or permit.

5. Section 4301 states:

"The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

....

"(d) The clearly excessive furnishing of controlled substances in violation of subdivision (a) of Section 11153 of the Health and Safety Code.

....

"(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

"(g) Knowingly making or signing any certificate or other document that falsely represents the existence or nonexistence of a state of facts.

....

"(j) The violation of any of the statutes of this state or of the United States regulating controlled substances and dangerous drugs.

....

"(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board.

1                   “(p) Actions or conduct that would have warranted denial of a license.”

2                   6.       Section 4059(a) states, in pertinent part, that a person may not  
3 furnish any dangerous drug without a valid prescription.

4                   7.       Section 4022 defines “Dangerous Drugs” as any drug that is unsafe  
5 for self-medication and which by federal or state law can be lawfully dispensed only on  
6 prescription.

7                   8.       Section 4060 states that no person shall possess any controlled  
8 substance without a legitimate prescription.

9                   9.       Section 4063 states that no prescription for a dangerous drug may  
10 be refilled except upon authorization of the prescriber. The authorization may be given  
11 orally or at the time of giving the original prescription. No prescription for any  
12 dangerous drug that is a controlled substance may be designated refillable as needed.

13                  10.       Section 4324(a) states every person who signs the name of  
14 another, or of a fictitious person, or falsely makes, alters, forges, utters, publishes,  
15 passes, or attempts to pass, as genuine, any prescription for any drugs is guilty of a  
16 forgery and upon conviction thereof shall be punished by imprisonment in the state  
17 prison, or by imprisonment in the county jail for not more than one year.

18                  11.       Section 4329 states that any nonpharmacist who compounds or  
19 dispenses a prescription or furnishes dangerous drugs is guilty of a misdemeanor.

20                  12.       Health & Safety Code section 11170 states that no person shall  
21 prescribe, administer, or furnish a controlled substance for herself.

22                  13.       Health and Safety Code section 11171 states that no person shall  
23 prescribe, administer, or furnish a controlled substance except under the conditions and  
24 in the manner provided by this division.

25                  14.       Health & Safety Code section 11173(a) states that no person shall  
26 obtain or attempt to obtain controlled substances, or procure or attempt to procure the  
27 administration of or prescription for controlled substances, (1) by fraud, deceit,  
28 misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

1           15.     Section 125.3 states, in pertinent part, that the Board may request  
2 the administrative law judge to direct a licensee found to have committed a violation or  
3 violations of the licensing act to pay a sum not to exceed the reasonable costs of the  
4 investigation and enforcement of the case.

#### 5                           **DANGEROUS DRUGS**

6           16.     Clarinet (generic - Desloratadine) is classified as a dangerous drug  
7 under section 4022. It is used in the treatment of seasonal allergies.

8           17.     Propecia (generic - Finasteride) is classified as a dangerous drug  
9 under section 4022. It is used in the treatment of benign prostatic hyperplasia and male  
10 pattern baldness.

#### 11                           **CONTROLLED SUBSTANCES**

12           18.     Phenergan with Codeine (generic - promethazine with Codeine) is  
13 a dangerous drug as defined by section 4022 and is classified as a Schedule V  
14 controlled substance as listed in Health and Safety Code Section 11058(c)(1). It is an  
15 antihistamine and narcotic combination used in the treatment of coughing.

#### 16                           **FACTUAL BACKGROUND**

17           19.     During a period including August 3, 2002 to November 27, 2002,  
18 Respondent was employed as a pharmacy technician at Sav-on Drugs (store no. 9658)  
19 located in Burbank, California. As described below, in that time Respondent repeatedly  
20 dispensed dangerous drugs and controlled substances to herself and Viken Titizan, her  
21 fiancé, without a legitimate prescription and created fraudulent records related to those  
22 transactions.  
23

#### 24                           **Rola Holwahjian**

25           20.     On May 29, 2002, Respondent furnished seven tablets of Clarinet  
26 5mg to herself without a legitimate prescription. Respondent created records stating  
27 that the medication was dispensed pursuant to prescription no. 237147 issued by Dr.  
28 Sider.



1                                    **SECOND CAUSE FOR DISCIPLINE**

2                                    **(Clearly Excessive Furnishing of a Controlled Substance)**

3                                    27.    Respondent has subjected her license to discipline pursuant to  
4 section 4301(d) for clearly excessive furnishing of a controlled substance as stated in  
5 paragraphs 19 and 21 - 23.

6                                    **THIRD CAUSE FOR DISCIPLINE**

7                                    **(Knowingly Making False Documents)**

8                                    28.    Respondent has subjected her license to discipline pursuant to  
9 section 4301(g) by knowingly making or signing documents that falsely represented the  
10 existence of a state of facts as stated in paragraphs 19 - 25.

11                                   **FOURTH CAUSE FOR DISCIPLINE**

12                                   **(Furnishing Dangerous Drugs and Controlled Substances)**

13                                   29.    Respondent has subjected her license to discipline pursuant to  
14 section 4301(j) by violating sections 4059, 4060, 4063, 4324, 4329 and Health and  
15 Safety Code sections 11170, 11171 and 11173, statutes regulating controlled  
16 substances and dangerous drugs as stated in paragraphs 19 - 25.

17                                   **FIFTH CAUSE FOR DISCIPLINE**

18                                   **(Violating the Pharmacy Law)**

19                                   30.    Respondent has subjected her license to discipline pursuant to  
20 section 4301(o) by violating sections of the Pharmacy Law as stated in paragraphs  
21 19 - 29.

22                                   **SIXTH CAUSE FOR DISCIPLINE**

23                                   **(Actions Warranting Denial of License)**

24                                   31.    Respondent has subjected her license to discipline pursuant to  
25 section 4301(p) by committing acts which would warrant denial of a license as stated in  
26 paragraphs 19 - 30.

27    \ \ \

28    \ \ \

**PRAYER**


WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

1. Revoking or suspending Pharmacy Technician Registration No. TCH 26386, issued to Respondent Rola C. Holwahjian;

2. Ordering Respondent to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: 1/12/04

  
\_\_\_\_\_  
PATRICIA F. HARRIS  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
Complainant

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